

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ELMER L. MACK and
GIRARD TRUST BANK
Trustees Under the Will
of ALAN C. DODSON, Deceased

Claim No. CU -8778

Decision No. CU 6268

Under the International Claims Settlement
Act of 1949, as amended

Represented by Cia. Minera Lehigh, S.A.

Counsel for Cia. Minera Lehigh, S.A.:

Clifford, Warnke, Glass, McIlwain & Finney
By James T. Stovall, III, Esq.

PROPOSED DECISION

Claimants ELMER L. MACK and GIRARD TRUST BANK, Trustees Under the Will of ALAN C. DODSON, Deceased, who died in 1946, and who owned a stock interest in Compania Minera Lehigh, S.A., assert a claim under Title V of the International Claimans Settlement Act of 1949, as amended, against the Government of Cuba because of the nationalization of said Company's properties.

In our decision entitled Nolan P. Benner, et al., Trustees, (Claim No. CU-8773 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized otherwise taken by the Government of Cuba on November 23, 1959, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of \$110.76.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Benner decision; that the beneficiaries under the Trust have been American nationals at the requisite times; and the said beneficiaries of the Trust have been the owners of 717 shares of stock in Compania Minera Lehigh, S.A., since prior November 23, 1959; and suffered a loss in the amount of \$79,414.92 within the meaning of Title V of the Act.


Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959 the date of loss to the date on which provisions are made for the settlement. (See Benner, supra.)

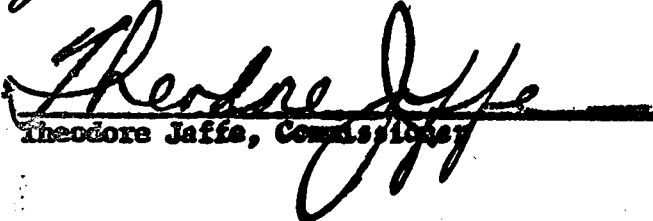
CERTIFICATION OF LOSS

The Commission certifies that ELMER L. MACK and GIRARD TRUST BANK, Trustees under the Will of ALAN C. DODSON, Deceased suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-Nine Thousand Four Hundred Fourteen Dollars and Ninety-Two Cents (\$79,414.92) with interest at 6% per annum from November 23, 1959 to the date of settlement.

Dated at Washington, D.C.,
and entered as the Proposed
Decision of the Commission

JUL 14 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Comptroller

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, (1970).)

CU-8778